

REMARKS/ARGUMENTS

Claims 1, 5-7, and 9-15 are pending.

Claim 1 has been amended to describe the valve in a manner that is novel and unobvious over the prior art.

Claim 6 has been amended to insert "The" before "valve."

The rejection of claims 1, 5, 6/1, 6/5/1, and 7, 9-14 under 35 U.S.C. 102(b) as being anticipated by US 3,249,261 to Benediktson ('261) is respectfully traversed.

As a preliminary matter, it should be noted that the prior art valve makes use of a different sealing principle. The differences are reflected in the present claims.

First, the present claim refers to a spring tongue secured to the inside of a valve disk. A tongue is an element that has a free end that is movable in at least two directions. The '261 valve makes use of a spring valve element which is supported in a recess of a valve disk (in '261 named valve body), without having a free end. The sealing ring 22 according to '261 is arranged on the underside of the opening of the valve disk and held in place by the spring valve element.

On the other hand, according to the invention, there is a valve seat (6) arranged at the valve disk which cooperates with a sealing element at the bottom part of the closure part. The spring element acts on the bottom part of the closure part forcing it into a closed position unless the spring tongue is actuated.

Moreover, the discharge cap (corresponding to the present closure part without a sealing function) according to '261 is a flexible element which is mounted to the inner surface of the valve body (valve disk). It is not movable in the meaning of the present invention, but may

only be tilted, see Fig. 2 and col 2, l. 12 to 16 of '261. Pressing down the discharge cap in a vertical direction is no practical option since in that case the user must place his finger on top of the discharge orifice to exercise pressure. Placing a finger on the discharge orifice would lock the passage way.

In any event, US '261 does not teach, or suggest, a cylindrical extension of the valve disk as a guidance for a downward movement of the closure part. Accordingly, in order to clarify claim 1 and render it distinct from the '261 reference, claim 1 has been amended defining that the cylindrical extension of the valve disk extends in an outward direction and that the sealing element interacting with the sealing face on the valve disk is on the closure part of the valve. According to US '261, the sealing of the spray can is done by an interaction of the spring element with the valve body (valve disk) with an intermediate sealing ring.

The rejection of claim 15 under 35 USC 103(a) as being unpatentable over Benediktson ('261) in view of Kebl ('514), is respectfully traversed. Neither reference, alone or in combination, teach or suggest the claimed invention.

Applicant believes the claims are in condition for allowance and respectfully solicits a Notice of Allowance.

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Respectfully submitted,

By 
Richard Y.M. Tun
Registration No.: 56,594
BERLINER & ASSOCIATES
555 West Fifth Street
31st Floor
Los Angeles, California 90013
(213) 533-4175
(213) 533-4174 (Fax)
Attorney for Applicant